

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
SHELBY DIVISION**

**CRIMINAL NO. 4:96CR53**

**UNITED STATES OF AMERICA**

**VS.**

**TONY HOEY**  
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**ORDER**

**THIS MATTER** is before the Court on the Defendant's *pro se* motion for reconsideration by the Court of the denial of his motion for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2) or, in the alternative, a motion to amend judgment. The motion is denied.

On December 18, 2008, Defendant timely appealed the Court's Order denying his motion for reduction of sentence pursuant to the amended Guidelines regarding crack cocaine offenses. **See Order, filed December 15, 2008; Defendant's Notice of Appeal, filed December 18, 2008.** Because the appeal is currently pending with the Fourth Circuit Court of Appeals, and Defendant has failed to show any justification to warrant amendment of the prior Order, the motion is denied.

**IT IS, THEREFORE, ORDERED** that the Defendant's motion for reconsideration and/or to amend judgment is hereby **DENIED**.

Signed: January 16, 2009

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

